

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARLEY TYNDALL,

Defendant.

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8:06CR143

ORDER

This matter is before the court on defendant's motion to continue trial and for additional time to file pretrial motions [25]. A continuance is necessary because forensic testing of physical evidence has not been completed.

IT IS ORDERED that the motion [25] is granted, as follows:

1. Trial is hereby continued from **August 15, 2006** to **October 17, 2006**, before Judge Laurie Smith Camp and a jury.

2. Defendant is given until and including September 26, 2006 to file pretrial motions in accordance with paragraph 3 of the Progression Order [8].

3. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **August 1, 2006 and October 17, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of defense counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED August 10, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**